

-5-

REMARKS**I. Introduction**

This is in response to the non-final Office Action dated March 24, 2006.

In the first paragraph of the Office Action, the Examiner noted that this application has not been amended to indicate that it is a §371 of PCT Application No. PCT/US03/04534 or to refer to its claim of priority to Japanese Application No. 2002-39936. By the above amendment to the specification, an initial paragraph has been added setting forth the relationship of this application to these earlier applications. Applicants thank the Examiner for this helpful reminder.

The above amendments have also changed the dependency of Claims 5 and 8 so that the claims now conform to 37 CFR 1.75(c) and MPEP § 608.01(n).

Finally, Claim 1 has been amended to explicitly incorporate in the claim the definition of a non-dirtying film which appears at page 5, lines 6-8, of applicants' specification. This amendment is not believed to change the scope of Claim 1 under the principles set forth in, for example, Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc).

II. The §102(b) Rejection

In the March 24th Office Action, the Examiner rejected applicants' claims under 35 USC §102(b) based on U.S. Patent No. 5,784,860 (the '860 patent). Applicants respectfully traverse this rejection.

At its most fundamental level, the '860 patent does not disclose or suggest the present invention because the patent relates to a problem which is different from that addressed by the present invention. Specifically, the cited patent is concerned with damage to finished LCD displays as a result of static electricity.

The present invention, on the other hand, is concerned with the shipping of glass substrates which are subsequently used to manufacture LCD displays, not with the shipping of finished displays. In particular, the present invention is concerned with the problem of contamination ("dirtying") of substrate surfaces by the materials used to

-6-

package substrates during shipping. Thus, independent Claim 1 requires the use of a "film which does not dirty surfaces of the glass substrate."

Because the '860 patent deals with finished displays, it is not in any way concerned with the dirtying of substrates. Thus, there is no disclosure or suggestion in the '860 patent regarding the importance of packaging glass substrates and, in particular, glass substrates for liquid crystal displays, in a packaging film which does not dirty the surfaces of the substrates.

That this is so can be seen from the '860 patent's discussion of the materials which can be used as external layers 41 and 44 of its four-layer film 40. At column 7, lines 35-37, the patent states:

The first anti-static layer 41 and the second anti-static layer 44 each have a thickness of about 30 μm and are formed of PE and an anion surfactant kneaded thereto.

Thus, a person skilled in the art reading the '860 patent would use polyethylene as a packaging material, since that is the lead material disclosed in the '860 patent. However, as shown in Table 1 of the present application, polyethylene (PE) is unsuitable for use as the film called for by Claim 1, because polyethylene dirties the substrate. The problems with polyethylene are further set forth at page 11, lines 14-29, of the specification:

On the other hand, each of the samples 6 and 7, the samples of polyethylene films, which, to date, have been commonly-used as films for protecting the surfaces of glass substrates, showed remarkably many residuals of the film corresponding to the grade E before washing thereof (i.e. immediately after removal of the film). Moreover, even after the chemical washing processes under the predetermined conditions (i.e. the conditions "IP" or "IIP"), the grade was improved only to the grade C at most. Of course, the situation was even worse when the physical washing process was employed. Thus, glass substrates packed with polyethylene film will require a chemical washing process of even longer time to achieve the level required for use of the substrate to produce an LCD or the like where surface clearness of the glass substrate is especially important. This will undesirably increase the time and costs required for the washing process, and thus considerably limit production efficiency of the finished product such as an LCD. The same applies to the polyolefin film used for the sample 8.

-7-

The '860 patent does mention the possibility of using polyethylene terephthalate (PET) for external layers 41 and 44. However, in the same disclosure, it also discusses mixing the PET or other polymers with a charge protective material:

The first and the second anti-static layers 41 and 44 can also formed of PET (polyethylene terephthalate) or LLD (linear low-density polyethylene), as well as PE, mixed with a charge protective material. ('860 patent at column 7, lines 42-45; emphasis added.)

There is no disclosure in the '860 patent of the nature of the "charge protective material" other than it can be an anion surfactant (see column 1, lines 24-28, of the '860 patent).

As illustrated by, for example, Table 1 of the present application, whether a film dirties a substrate is depends on the film's composition. Accordingly, without a specific disclosure in the '860 patent of the particular charge protective material used there is no way to know if the '860 patent does or does not disclose a film which will not dirty substrates. In addition, the '860 patent states at column 7, lines 49-52, that other unspecified ingredients can be added to layers 41 and 44:

When necessary, an anti-blocking agent or a slipping agent can be added to the polymer forming the first and second anti-static layers 41 and 44....

Again, there is no way of knowing whether the PET will be non-dirtying when so formulated.

To summarize the PET issue, although this material is mentioned in the '860 patent, the patent instructs that the material should be used with a charge protective material. There is absolutely no reason to believe that PET will be non-dirtying when combined with a charge protective material. The '860 patent further instructs that PET can be combined with an anti-blocking agent or a slipping agent. Again, there is no way to know if the PET will be non-dirtying when combined with these ingredients.

In addition to the above considerations, there is no motivation to modify the '860 patent so that it is non-dirtying.

-8-

As discussed fully above, the '860 patent is concerned with shipping finished LCD displays and, in particular, is concerned with the problem of damage to such finished displays by static electricity. To deal with the static electricity problem, the '860 patent teaches combining various polymers, including PET, with a charge protective material. Because the problem to be solved in the '860 patent is the control of static electricity, a person skilled in the art would not modify the reference by removing the charge protective material from the patent's films since to do so would defeat the goal of the patent. Thus, there is no motivation in the reference to modify the reference's films to ensure that they are non-dirtying.

The Examiner also cited of interest Yenni Jr. et al., U.S. Patent No. 4,156,751, as showing "a bag with a PET and aluminum layer for electronic equipment." Significantly, the Yenni reference's disclosure is no better than that of the '860 patent. Thus, Yenni's innermost layer is preferably made of polyethylene, which applicants found to be dirtying, and when the Yenni patent mentions PET as a possible alternative, it teaches that the PET (like the preferred polyethylene material) must be combined with an antistatic agent. See Yenni Jr. et al. at, for example, column 3, lines 53-59 (low density polyethylene is preferred for the inner layer) and column 3, line 64, to column 4, line 3 (alternate polymeric materials, including PET, need to include an antistatic agent). Accordingly, once again, there is no reason to believe that this reference discloses a film that is non-dirtying.

In sum, applicants respectfully submit that the Examiner has not established a proper basis for rejecting this application. Put simply, only through hindsight derived from reading applicants' specification would a person skilled in the art look to the '860 patent and even then, such a person would not acquire a solution to the dirtying problem. Accordingly, applicants believe that the Examiner's rejection should be withdrawn.

-9-

III. Conclusion

In view of the foregoing, applicants believe that this application is now in condition for allowance. Accordingly, reconsideration and the issuance of a Notice of Allowance for the application are respectfully requested.

Respectfully submitted,

Date: 6/22/06

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